

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE MATTER OF CERTAIN
ADMINISTRATIVE AND JUDICIAL
FORFEITURE PROCEEDINGS

**ORDER EXTENDING CERTAIN
STATUTORY DEADLINES FOR
ADMINISTRATIVE AND JUDICIAL
FORFEITURE PROCEEDINGS**

20 MISC. 1074

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WHEREAS, pursuant to 18 U.S.C. § 983(a)(1)(C) and (a)(3)(A), the United States has moved this Court for a sixty-day blanket extension of the statutory deadlines by which the United States is required to (1) commence administrative forfeiture proceedings against seized property; and (2) commence judicial forfeiture proceedings following the submission of timely administrative claims;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, effective as of March 1, 2020, due to the Novel Coronavirus Disease (“COVID-19”) pandemic. In addition, the Governor of New York has banned mass gatherings in the state, encouraged persons in the state to remain at home, and ordered the closure of non-essential businesses;

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease;

WHEREAS, this Court has issued various Administrative Orders in response to the COVID-19 pandemic, including those setting forth guidelines for certain court proceedings in order to protect public health, and in order to reduce the size of public gatherings and reduce unnecessary travel;

WHEREAS, on April 21, 2020, this Court issued Administrative Order 2020-15, which noted that that “[t]he COVID-19 pandemic has had and will continue to have an extraordinary impact on this District,” where the number of COVID-19 cases and fatalities “account for over 60 percent of all cases and fatalities in both New York State and New York City; approximately 20 percent of all cases and fatalities in the United States; and approximately five percent of all cases and fatalities in the world,” and which further noted “the unavailability of a grand jury sitting in this District arising from the inability to muster a quorum prior to May 15, 2020, and the suspension of the selection of new grand jurors;”

WHEREAS, based on the United States’ motion and the supporting certifications of supervisory officials of the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”); U.S. Border Patrol (“USBP”); Customs and Border Protection (“CBP”); the Drug Enforcement Administration (“DEA”); the Federal Bureau of Investigation (“FBI”); Internal Revenue Service – Criminal Investigation (“IRS-CI”); and the U.S. Secret Service (“USSS”), this Court finds that continued operation of the administrative forfeiture programs of ATF, USBP, CBP, DEA, FBI, IRS-CI, and USSS, as well as the United States Postal Inspection Service (herein, collectively “the Agencies”), including their provision of notice of administrative forfeiture to potential claimants and the receipt and processing of claims for referral for the filing of civil forfeiture actions or inclusion of property in criminal indictments, is likely to endanger the lives or physical safety of numerous individuals, satisfying the requirements of 18 U.S.C. § 983(a)(1)(C) for an extension of administrative forfeiture notice deadlines; and

WHEREAS, the Court further finds that the danger to life and physical safety also constitutes good cause under 18 U.S.C. § 983(a)(3)(A) for an extension of the deadlines for the filing of civil forfeiture actions or inclusion of property in criminal indictments;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS with respect to all property for which a judicial forfeiture proceeding could be brought in the Eastern District of New York:

1. For all property seized between March 1, 2020 and May 15, 2020 or as to which the deadline established by 18 U.S.C. § 983(a)(1)(A)(i) for the seizing Agency to commence administrative forfeiture proceedings against such property occurs between March 1, 2020 and May 15, 2020, the deadline for the seizing Agency to commence administrative forfeiture proceedings against such property shall be, and hereby is, extended for a period of sixty (60) days, pursuant to 18 U.S.C. § 983(a)(1)(C).
2. For all property seized by state or local law enforcement agencies between January 31, 2020 and May 15, 2020 or as to which the deadline established by 18 U.S.C. § 983(a)(1)(A)(iv) for the adopting Agency to commence administrative forfeiture proceedings against such property occurs between January 31, 2020 and May 15, 2020, the deadline for the adopting Agency to commence administrative forfeiture proceedings against such property shall be, and hereby is, extended for a period of sixty (60) days, pursuant to 18 U.S.C. § 983(a)(1)(C).
3. For any property as to which a supervisory official in the headquarters office of an Agency executed a thirty-day extension of an administrative notice deadline pursuant to 18 U.S.C. § 983(a)(1)(B) on or before April 30, 2020, the deadline for the sending of the required notice shall be, and hereby is, extended for sixty (60) days from the current deadline, pursuant to 18 U.S.C. § 983(a)(1)(C).
4. For any property as to which an Agency received, or will receive, a timely administrative claim between January 31, 2020, and May 15, 2020, the deadline established by 18 U.S.C. § 983(a)(3)(A) for the filing of a civil forfeiture complaint or inclusion of such

property in a criminal indictment shall be, and hereby is, extended for sixty (60) days, pursuant to 18 U.S.C. § 983(a)(3)(A).

Dated: Brooklyn, New York
May 15, 2020

SO ORDERED:



HONORABLE ROSLYNN R. MAUSKOPF
CHIEF DISTRICT COURT JUDGE
EASTERN DISTRICT OF NEW YORK